IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.16840 of 1998

Dated: 05-07-2006

Between:

Ankam Appa Rao, S/o Late Sivayya,
Hindu, aged 56 years, Working as Watchman
in Divisional Marketing Office of
A.P. State Handloom Weavers Co-operative Society Limited,
Vizianagaram.

... Petitioner

and

1. The Divisional Marketing Officer,
   Andhra Pradesh State Handloorm Weavers Co-operative Society Ltd.,
   Vizianagaram and another.

...
Respondents

ORDER:

This writ petition is filed seeking *mandamus* declaring the action of the respondents in not regularizing the services of the petitioner with effect from 31-01-1983 in spite of representations and not paying the daily wages at the rate of Rs.30/- per day as directed by this Court, as arbitrary and illegal and consequently direct the

respondents to regularize the services of the petitioner with effect from 31-01-1983 as per G.O.Ms.No.212, dated 22-04-1994 and pay back wages and also daily wages @ Rs.30/- per day from the date of his joining i.e. from 01-02-1978 till the date of regularization as per the order dated 18-12-1995 passed by this Court in W.P.No.8406 of 1994.

2. Heard learned Counsel for the petitioner and perused the material on record.

3. This Court while disposing of W.P.No.8406 of 1994 observed as follows--

> "It is distressing to note that the petitioner is just continuing on a consolidated pay of paltry sum. It is astonishing to note that the petitioner's consolidated pay is Rs.28/- per month. There is no break in the services of the petitioner and I am unable to understand as to why the services of the petitioner were not regularized and time-scale was not paid.
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> Mr. A. Malher Rao, the learned Asst. Govt. Pleader for Industries appearing on behalf of the respondents, vehemently contends that the petitioner was only a part-time employee and as such, he is not entitled for regularization. He also submitted that the consolidated pay of Rs.28/- per month was enhanced, but he is unable to pay how much the enhanced amount.
>
> The petitioner cannot be paid less than a minimum wages and the minimum wages shall be paid to him. His representation dated 25-1-1994 shall be considered by the 2nd respondent within a period of one month from the date of receipt of a copy of this order. I make it clear that till the petitioner's services are regularized and put on time-scale, if his representation above is considered in his favour, he shall be entitled to the minimum wage at Rs.30/- per day effective from today i.e. 18-12-1995."

4. Pursuant to the said orders, the competent authority vide his

proceedings in Ref No.30019/Est/E.1/CO/AARao/NWM/94 dated 14-05-1996 regularized the services of the petitioner and was put in the time scale of Rs.740-15-950-20-1150. Despite the said regularization the petitioner approached this Court and filed the present writ petition stating that his services should have been regularized with effect from the date of his initial appointment i.e. from 1983, but the said regularization was done only with effect from 1985.

5. In the order dated 18-12-1995 passed in W.P.No.8406 of 1994 nowhere it was observed that the said regularization should be with retrospective effect. In fact, in the order, it was clearly observed that if the representation of the petitioner is considered in his favour, he shall be entitled to the minimum wage at Rs.30/- per day with effect from 18-12-1995 and the said order in toto was implemented by the authorities. Hence, this Court sees no merits in the present petition.

6. Accordingly, the writ petition is dismissed. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.05-07-2006
GLV